Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.10512 OF 1998
IN
SECOND APPEAL (ST.) NO.36668 OF 1998

Rekhi Departmental Stores ...Applicants
V/s.
Mulla Khan Alli Kadarbhai Trust & Ors. ...Respondents

Mr.R.S. Alange, Advocate, for the Applicants.

CORAM : ABHAY S. OKA, J.
DATE : 16TH OCTOBER, 2007.

P.C. :

1. Heard Advocate for the applicants. None appears for the respondents though the notice is served. The Civil Application is already dismissed as against respondent Nos.5a, 5b, 5c and 3. The Civil Application stands abated as against respondent No.4.

2. Sufficient cause is made out for condonation of delay of 93 days. Hence, Rule is made absolute in terms of prayer clause (b).

3. It is made clear that the Second Appeal does not survive as against Respondent Nos.3, 4, 5a, 5b and 5c.

[ABHAY S. OKA, J.]